## CONDEMNED MAN ARGUES HIS CASE

Austin Johnson, Sentenced to Hang, Gets New Lease

HANG IN SEPTEMBER

Accused Says He is Innocent, and That Plot Was Made Against Him.

In answer to the question by Clerk Naddill as to whether he had anything to say why the death sentence should low be passed upon him for criminal assault upon Ruth Pinchbeck, the elevenyear-old daughter of Mr. and Mrs. O. L. rinchbeck, Austin Johnson, the nego who was convicted some weeks ago stood facing Judge Scott in Henrico Circuit Court yesterday and in a clear and distinct voice carrying with it evidences of sincerity, protested his innocence of all knowledge of the crime, and termed his arrest and conviction a plot concocted by several witnesses for the Common-

for his life. His language was typical of the uneducated negro, but his manner sed everyone in the sound of his voice. Taking up the evidence that had been adduced by the Commonwealth, he commented upon its different phases. commented upon its different phases, scoring several good points that had heretofore been in the dark,

After Johnson had finished talking,

Judge Scott ordered him to be taken to the jail and there confined until the

15th of September when he should be

hanged.

The motion for a new trial upon the grounds of evidence afterwards discovered, made by Mr. English some time ago, and once before argued, was argued for more than three hours yesterday by Mr. English and Commonwealth's Attornal Louis Woodshury, In substantiation. Mr. English and Commonwealth's Attorney Louis Wendenburg. In substantiation of his motion for a new trial upon the grounds of after discovered evidence, Attorney Edgar B. English submitted an affidlavit from Mr. J. T. Cousins, who lives adjoining the Pinchbecks on which was designed to set forth that testimony of the little girl that she had seen the accused on the day previous to the crime was prompted by a conversation he (the witness) had with Mr. and Mrs. crime was prompted by a conversation he (the witness) had with Mr. and Mrs. Pinchbeck a day or so after the arrest of Johnson. The affiant in reply to a direct question from the court said that he did not believe that Mrs. Pinchbeck or the little girl would wilfully swear away the life of a human being by substituting testing the property of the court of timony not strictly correct, but that it was his impression that the III tille girl was prompted to say she had seen John-son the day before she was assaulted.

Cousins Examined. Not only did he make affidavit to this point, but Mr. Cousins went on the stand and was examined along the line by the attorneys and the court. After the commission of the crime, Mr. Cousins was frequently with the Pinchbecks and to certain degree acted as their counsel, advising them in matters pertaining to

she saw the accused between 12 and 1 she saw the accused between 12 and 1 o'clock. This was a strong point of the Commonwealth in establishing the more thorough identification of the accused.

Mr. Cousins is a partner of Mr. Welmer, who testified at the trial that he employed Johnson on Friday before the assault on Saturday. Between 12 and 1 o'clock.

Mr. Cousins said that Johnson was in

Mr. Cousins said that Johnson was in another part of the city; that he was driving a balky horse, but that at no time during the day did he come within three-squares of Washington Street.

In overruling the motion for a new trial upon the grounds set forth, Judge Scott was visibly affected. In reviewing the affidavit and the evidence of the trial he was careful and deliberate. The defense had fallen down in its attempt to prove an allbl, he said. The testimony prove an alibi, he said. The testimony the witnesses for the establishment of allbl was not such as would ninke a ong impression upon the jury; not at men who played cards and crap ald not tell the truth, but that in de-ling a case of this nature the members of the jury were the property of the witness while on the witness stand. "God knows that I wish there was an affidavit here upon which I could set aside this verdict. If there was any renonable doubt in my mind, I would give the benefit of fit to the accused and let him have another show," said Judge than have another show," said Judge than have another show," said Judge than have another show." onable doubt in my mind, I would give the benefit of ft to the accused and let him have another show," said Judse Scott, with considerable feeling. Just before concluding, Judge Scott said that it might be a mistake; that human testimony might be weak, and that gone witness might have sworn falsely. But the jury had determined the guilt of the

accused, and it became his duty to admisister the law as he saw it.

After the motion was overruled, Mr.
English moved that the sentence of deals,
which had been passed upon Johnson and
the time fixed for the execution for the
20th of July, he set aside to give him an
opportunity to prepare a writ of error
to the Supreme Court, which meets in
Staunton on the 10th of September. This
was done, and Johnson again sentenced
to die, This time the date was fixed
for September 25th.

When the order of the court was prepared and the motions filed, Clerk Waddill asked Johnson to stand, and put the
question as to whether or not he had
anything to say why sentence should
not be passed upon him.

Pleads Own Cause.

Pleads Own Cause.

Pleads Own Cause.

There was a breathless pause of several minutes, and every eye in the court room was fixed upon the figure of the accused, who was for the second time to hear a sentence that would mean his death upon the gallows. Johnson's mouth twitched, and twice his lips parted without any sound. In scarcely an audible voice he said: "I don't know what to sear," and then paused two or three sec-

out any sound. In scarcely an audible voice he said: "I don't know what to say," and then paused two or three seconds.

Clearing his throat and looking Judge Scott straight in the face, he then began: "I sho' is er innecent man. Ef 'twas the last thing I had to say in this world and Jesus was looking right at me here, I would say I is innocent. Mr. Crowder (one of the officer's who participated in the arrest of Johnson) say hisself that no arrest me jest 'cause I didn't work. It always look like he been mad with me. But I ain't never done nothin' to him, en I dun know what he got against me, 'cept 'twas when we was at the seashore and he jest as bad off as I was, both of us grabbing crabs out and frying 'em on a plece of tin.

"I never seen dat girl befo'. 'Po God I sho is innocent of dis crime. Bf I had er done it I could er got out of town all right. But white people got more power than I got, and they put up a plot to arrest me. In jail down here dey just worried me nearly to death, and say that I just well say I had a black coat, fer they was goin' to say I told 'em so anyway."

Johnson then dealt with much of the evidence. If Officer Johnson saw him

evidence. If Officer Johnson saw burning rags, why didn't the office him? the accused asked. He denied

burning rass, why did the denied positively that he had ever burned any rags
in the house, and asserted with some
show of excitement that he believed the
officers did the burning for the purpose
of getting him into the fix.

"A man that'll do a little girl like
that ought to be punished. I say that,
and I say they ought to get the right
man." The accused then said that C...
cer Branch was whispering to Ruth
Pincibeck all the time he was in the
room the first time ne was taken before
her for identification.

Judge Scott may, between this and
Saturday, set aside the verdict. At the
beginning of the next term of court it
will be too late to take action.

### MORE CHARTERS.

State Corporation Commission Authorizes Four Companies.

Authorizes Four Companies.

The State Corporation Commission yesterday granted the following charters:
The J. C. Goode Lumber Company, incorporated, Boydton, Mecklenburg county, Va. Incorporators: St. John Chambers Goode, president and director; Thomas F. Goods, Jr., vice-president and director; Rosa C. Goode, director, all of Boydton, Va. Capital stock; Maximum, \$50,000; minimum, \$10,000. Objects and purposes; To buy and sell and manufacture timber, tumber, dressed and undressed, doors, blinds, sash, headings, staves, etc.
Riverview Residence Corporation, Norfolk, Va. Incorporators: C. J. Calrow, president; W. P. Cousins, vice-president; M. P. Cousins, vice-president; Alan G. Burrow, secretary and treasurer; James G. Martin, counsel, all of Norfolk, Va. Capital stock: Maximum, \$15,000; minimum, \$50,000. Objects and purposes; To buy and sell real estate, improved and unimproved.

Black Wolf, Coal Company, Incorpor-

To buy and sent rear estace, improved an improved.

Hlack Wolf Coal Company, incorporated atod. Tazewell, Va. Incorporators: A. St. Clair, president, Tazewell, Va.; George W. Moore, Jr., vice-president, Lynchburg, Va.; George L. Fleming, secretary and trensurer, Lynchburg, Va. Capital stock: Maximum, \$100,000; minimum, \$50,000. Objects and purposes: To minq ship and sell coal and fron ores, to lease fron and coal lands to be mined and operated by others; to creet and operate furnaces, mills, factories and all other works and machinery necessary; to buy and sell

mills, factories and all other works and machinery necessary; to buy and sell goods, wares and merchandise of any and all descriptions.

Auxillary Home Protection Association of Virginia, Eik H.II, Va. Incorporators; Z. A. Christian, A. J. Robinson, William Cooper, Randolph Jackson, New Pannell, directors, all of Eik Hill, Va Capital stock; None. Objects and purposes; Mutual social society, etc.

## MR. COWHERD TALKS.

Calls on Governor Montague and Brings Cheering News.

Mr. B. R. Cowherd, a prominent mer-chant and railroad contracter, having interests in both Fluvanna and Goochland counties, was a caller at the Governor's office yesterday, and he assured the Governor of his belief that he will carry both these counties over Senator Martin for United States Senate.

Mr. Cowherd is a trained politician, and has been promenent in all the battles of this party in recent years in his

and has been promenent in all the bat-ties of this party in recent years in his section.

"He will get two districts in Gooch-land for the Governor," he said, "and

## CROWI

continue to attend Wagner's Reopening Sale. The interest taken in it by the public increases daily. So much for reliableness. The most noisble incident of our sale is the compliments we have had on the superior quality of our stock of all our drug store goods. Superior quality and fair dealing built our reputation. Everybody has explicit confidence in us; that is why we have had such a grand success of our recepning sale; that is why we had to enlarge our store for our growing business. The public know they will get precisely what they ask for—the best and genuine in everything and no persuasion to take something just as good. No need of bringing the advertised prices with you; no substituting or humbug methods resorted to in any respect.

OURS IS NOT A STOCK BOUGHT FOR A SPECIAL SALE. Any Person Can Get as Much of Any Article as He or She Wishes.

Colgate's Fantasy Extract. Colgate's La France Rose Extract. Colgate's Cashmere Bouquet Ex-

L. WAGNER DRUG CO., SIXTH AND BROAD. THE TOILET AND PERFUMERY DRUGGIST.

Open all night, with porter to deliver packages to any part of the city-

# ...SALE... IS WITHOUT LIMIT

without regard as to what the goods were priced before this order came. The sale of Clothing that was considered the choice of all made clothes in Richmond. The sale of Men's Furnishings, Hats and Shoes or anything that the store contains.

on two-thirds of all the stock. By exact calculation the entire stock, if sold in ten days, as stated, would bring 55 cents on the dollar. of salespeople to help you readily. The store is not open until g in the morning so as to arrange the various stocks for the day's sale.

Any goods bought can be returned within three days from the day of purchase. Despite of almost gift prices, "The Hub" offers all the advantages in favor of its patrons and stands by every article bought, as if full prices were paid. These

	Men's Suits.	
	All-Wool Suits, were \$7.50, will be \$3.5	
	Suits, that were \$8.50 and \$9.00, will be sol	
	\$10.00 and \$10.50 Suits, any or all that have bee	
	e prices, for	DMANE.
Section Control of the Control	est \$12.50 Suits in all of Richmond. They were a	MAKE.
	nny to be sold	
	15.00 Suits will be	
	e \$18.00 Sults for \$12.7	
	20.00 Suits for \$14.7	
	25.00 and \$30.00 Suits, including all the finest suit	
	very description, for	G.00
carry equipment of a second	Pants, the \$1.50 Corduroy kind, for89	
	ool Pants, \$2.00 kind \$1.0	
	\$2.50 and \$3.00 Pants	
	lots \$2.7	
	ool Pants, that were \$5.00, for	
\$6.50	and \$7.00 Pants to be sold for \$4.7	5

Men's Shoes Must Go at Half Price. Men's \$3.00 Shoes ...... \$2.00 Boys' Clothing. Suits for Boys to 15 years, that have been \$1.50 and \$2.00, Any of the Suits that were \$4.50 to \$5.50, choice. \$3.50 Men's 10c Black and Tan Half Hose...... Our Finest Suits, that were \$6.00 to \$8.50, for .... \$4.75 Men's 39c Fancy Underwear..... Boys' Pants, Corduroy and Woolen, that were 50c a pair, Men's 15c Fancy Embroidered Half Hor for ..... 19c Men's Silk Shield Bows, the 25c kind... Boys' Véstee, small sizes, \$5.00 kind ...... \$1.29 Boys' Suspenders, the 20c kind.

Straw and Fur Hats. \$2.50 Straw Hats ... \$3 and \$4 Straw Hats.... \$1 and \$1.60 Derby and Soft Hats..... \$2 Derbys and Soft Hats..... \$2.50 Derbys and Soft Hats..... ..... 81.10 \$3 Derbys and Soft Hats..... Men's Furnishings. Men's 50c and 75c Negligee Shirts..... Men's White Hemstitched Handkerchiefs..... Men's 15c Fancy Embroidered Half Hose.

PRESIDENT PLANS GENERAL SHAKE-UP IN HIS CABINET

Shaw and Moody Will Retire, and Other Changes Wil Be Caused By Shifts and Promotions.

(Special to The Times-Dispatch.)

WASHINGTON, June 29.—Four and possibly six of the nine great departments of the government, which are represented in the President's Cabinet, will have new, executive heads by this time next year, and possibly sooner. This does not signify that there will be that number of resignations within the ensuing year, but when such resignations as are certain to come take effect there will be a shifting about of other Cabinet officers.

Unless the President has reason to change his mind, Charles J. Bonaparte, of Maryland, who becomes Secretary of the Navy next Saturday, will succeed Attorney-General Moody when the latter retires a year hence. It was Mr. Roosevelt's original plan to place Secretary of War William H. Taft at the head of the Department of Justice, but he has another office in mind for him if Secretary Hay should retire—that is, the State portfolke.

will be the next Secretary of the Treasury. The transfer of Mr. Cortelyou to the
Treasury will necessitate, of course, the
appointment of a new Postmaster Genetal.
Although reassuring reports are coming
from Secretary Hay's summer home in
New Hampshire, and there is no reason
to anticipate he will not be well again
soon, his latest illness has led to a general belief that he will not care to undertake his official duties again for a long
portod. Mr. Hay is very solicious of his
own health, and the fear in the white
House circle is that he will soon go into
retirement.

Will Succeed Mr. McGilvray as Second Clerk of Board of

Torecast by the Times and the public uction, yesterday announced the aptenent of ex-Judge David A. Christof Appomattox county, to be seccierk in the Department of Public uction, vice John A. McGilvray, re-

Together with some indications the applicant had a conference with the superintendent, with the result that Dr. Southall determined to appoint the exjudge. The appointment was announced yesterday.

The appointee was for seven or eight years judge of the county court, and has practiced law since the abolition of the county court system. He is a University of Virginia graduate in law, He will assume the duties of the position July 10th. The salary of the office is \$1,500.

But one thing remains, and that is the confirmation by the State Board of Education of the appointment. Judge Christion will serve as a recess appointed until the Board convenes in September, and it is regarded as a foregone conclusion that the appointment will be confirmed.

shor that the appointment will be confirmed.

The election in November will certainly result in the selection of a new superintendent, the incumbent not being a candidate for re-election, and the incoming Governor becoming a member of the Board also. The attorney-general to be selected in November will be a member of the Board, but if the incumbent be re-elected he will of course continue on the Board. The other live members of the Board continue in office for two years longer unless death or resignation should occur. The incoming superintendent will have the selection of the first and second clerks in the department, and it is, of course, uncertain whether or not he would retain the incumbents.

Mr. Garrett's Views.

State Senator W. A. Garrett, of Henry, was in the city yesterday and called at the State Library building, Mr. Garrett in conversation with friends expressed the belief that Senator Martin would carry both Heiry and Patrick counties by large majorities. Mr. Garrett is unopposed for renomination, but may have opposition in the general election in November.

Sending Out Checks. State bonds July 1st. The semi-annual in-terest payments aggregate about \$150 000. The requisite funds are in the treasury credited to this charge, and it is only a matter of making and mailing the checks.

Are Recommending Him. Attorney-General William A. Anderson is still so engaged by his official duties that he finds it utterly impracticable tog out on the stump in his own behalf in his candidacy for renomination. He is receiving many letters from friends and press expressions commending his course, and assuring him that his interests will be looked after by them.

States government, and unless paid a penalty will be added. These taxes are payable at the office of the collector of internal revenue. The penalty for failure to pay such taxes is 50 per cent. Delinquents are urged to pay up and save the heavy penalty.

VIA NORFOLK AND WESTERN RY.

Tickets at greatly reduced rates will be sold on July 1st, 2d, 3d and 4th, good for return passage until July 5th, 1906. The following round-trip rates will apply from Richmond: Norfolk and return, \$3.50; Virginia Beach and return, \$3.50; Virginia Beach and return, \$3.50; Lynchburg and return, \$5.00, and corresponding low rates to all other points south of the Ohio and east of the sissippi Rivers. For tickets and further information, apply to Richmond Transfer Company; Ticket Agent, Byrd Street station, or at company's office, 838 East Main Street,

NO. E. WAGNER,

City Pass. Agt.

Dist. Pass. Agt.

CASTORIA For Infants and Children. The Kind You Have Always Bought Bears the Signature of Chart H. Helther.

ATLANTIO COAST LINE—CHEAP
RATES—FOURTH OF JULY.
Account above, the Atlantic Coast Line
will sell tickets to all points south of
Potomac and east of Mississippi Rivers,
including St. Louis, Mo., at one and onethird first-class fares (minimum rate, 50
cents). Tickets on sale July ist to 50
cents). Tickets on sale July ist to 50
For full information, apply to agents
of the company; Richmond Transfer Company, 819 East Main Street, or
C. S. CAMPBELL,
Division Passenger Agent,
No. 838 East Main Street, Richmond, Va.

Boars the Bignature Chart Hillithus

TO CHASE CITY, CLARKSVILLE, OXwithout change of cars, via Southern Railway, Leave Richmond daily 12:30 noon; also 6 P. M., except Sunday, for the above points.

Bears the Bignature Chart Flutchers

IN THE "GOOD OLD SUMMER TIME" Summer excursion tickets with liberal limits and stop-over privileges on sale June 1st.
Low rate commutation tickets for fam illes spending the summer in the coun

Payment of Special Taxes.

To-day is the last day left for the payment of special taxes due the United

Payment of special taxes due the United

Made Many Friends But Had water Committee Endorses the Unpleasant Ex

perience.

HORSE STEPS ON CITIZEN WILL LIKELY BE ADOPTED

E. Brown has sold his drug business at Streets, and will return to Delaware whence he came some time ago. The Brown's experiences in Petersburg during his short residence, have not been ners have won him many friends. During a visit to Delaware some weeks ago, his store was robbed of money and goods and then set fire. His stock was much damaged.

damaged.

At the residence of the bride's parents, Mr. and Mrs. S. H. Nugent, in Ettrick, last evening, Miss Myrtle Nugent was married to Mr. A. L. Laffoon, of this city. The bride's sister, Miss Zelma Nugent, was maid of honor, and Mr. William Kail, Jr., was best man.

The summer school for colored teachers, which has been in progress at the Virginia Normal and Industrial College nearthlis city, is attended by nearly 250

ginia Normal and Industrial College near this city, is attended by nearly 250 teachers of both sexes, coming from all sections of the State. The attendance is larger than usual by reason of the closing of the Hampton school, and everything is progressing satisfactorily. The summer session is limited to four weeks.

Clean Books. By direction of the municipal Councils, all city accounts for the month of June are to be settled this month, so that clean books may be opened on July 1st, the beginning of the fiscal year. Appropriations for this purpose were made early in the month of the month

Over three-score applications for membership in the Order of Eagles were pre-sented at the meeting of Petersburg Aerie

New Hotel.

New Hotel.

It will not be the fault of the Chamber of Commerce and the progressive business of the community, if Petersburg does not 500n have a fine new hotel, erected on modern plans in a central location. The Chamber has not only heartly endorsed the scheme, but by every means is urging it as a necessity to the business life of the city, A committee of the body is corresponding with hotel men abroad and assurances are given of liberal subscription to the enterprise by our own people.

given of liberal subscription to the en-terprise by our own people.

Mrs. J. Beverly Harrison has been call-ed to Suffolk by the lilness of her sister, the wife of Rev. J. T. Sewell.

It is said the Republicans are consider-ing the advisability of putting up candi-dates for the Legislature in this section. Small chance of success if they do.

Council Elects Officers.

Scheme and Gives Rea-

mously adopted the report of the sub-committee, endorsing the proposed new electric light plant at the old pump

the reasons actuating the committee, among them being that as soon as the new settling basin is completed, the old pump house will be abandoned as a pumping station, and all the water taken from the settling basin to avoid possible Concluding the report says:

That it will be necessary to appropriate the sum of eighty-nine thousand dollars for the erection of a plant to be located at the new pump house, having a capacity of ten million gallons per twenty-four hours, the cost of which is itemized as follows:

Building .. 

In conclusion, the advantages to the clty of Richmond for making this enange and improvement present themselves to our minds for the following reasons:

The present pumping macrinery at the cld pump, house is old much worn and The present pumping machinery at the old pump house is old, much worn and out-of-date, and in best condition of t.e river affords a capacity of about seven million gallons per twenty-four hours. If this is to be maintained as a part of the pump works of Richmond, in order to use the water from the new setting on in, which is absolutely essential on account of the natural poliution along the north side of the canal, it is estimated that the cost of a conduit to carry the water to the pumps would be eighty thousand dollars. In any event, it is apparent that the pumping capacity of our city must now be increased to safely guard us against water famine and conflagra-

sented at the meeting of Petersburg Aerie last night,

Mr. J. J. Westmoreland, a worthy and respected citizen, met with a painful accident this morning, which will disable him for some weeks. Mr. Westmoreland had taken his team to a wheelwright ostablishment on Lombard Street, to have some work done. In backing his horse into the shafts of the vehicle, the animal became startled at something and making a sudden movement threw Mr. Westmoreland to the ground, and stepping upon the latter's leg, broke the bone between the knee and ankle.

The Norfolk and Western Railway Company is making extensive improvements along its line from the freight depot west to Fleet Street in this city, in the way of laying tracks for the convenient handling of its great coal and freight trains. A wide strip of land between these two points has been purchased, running along the rear of Old Street, which is being blasted and filled in for the laying of sundry tracks. The serious difficulties heretofore existing in the way of handling trains will thus be removed.

New Hotel.

Visually not be the fault of the Came.

CITY COMMITTEE.

## CITY COMMITTEE.

Body to Meet To-night to Declare Primary Result.

The City Democratic Committee will meet at Murphy's Hotel at 8 o'clock tomeet at Murphy's Hotel at 8 o'clock to-night to declare officially the result of the

night to declare officially the result of the recent primary for city and legislative offices.

The committee will also likely take up the question of raising funds for the State primary here by popular subscription. Members who favor this method say they will have no trouble in securing the necessary funds.

Clork P. P. Winsion. of the Law and Equity Court, reported his primary expenses yesterday to Chairman Delerty. He had no opposition and spent no noney beyond the \$50 paid for entering.

Found a Taker at Last.

Council Elects Officers.

At the recent meeting of Peerless Council, Daughters of Liberty, of Howard's Grove, the following officers were elected: Councilor, Journey Tyler; Associate-Councilor, Miss M. E. Milre; Vice-Councilor, Miss M. E. Milre; Vice-Councilor, T. D. Puqua; Recording Secretary, M. A. Germelman; Associate-Vice-Councilor, T. D. Puqua; Recording Secretary, Mrs. M. T. Brown; Financial Secretary, Mrs. Nettle Taylor; Treasurer, Mrs. Lougias T. Tompic; Guide, Mrs. M. V. Ennis, Inside Guard, Mrs. Ora Gifford; Outside Guard, Mrs. M. E. Hartley; Trustee for eighteen years, Mrs. M. V. Ennis.

## PIANOS

DAVENPORT & TREACY PIANOS

Fine values this week in slightly used

**Upright Pianos** Full size guaranteed

\$135 to \$185

Fergusson Bros.

Again We Say: Phone 658

Should you forget the Number just tell "Central" to give you the place where the breezes are stored.

**Electric Construction** Co. of Virginia,

8-10-12 S. Ninth Street-

COAL. Best quality, low prices, prompt

 ${f wood}.$ 

All kinds, sawed to order. We respectfully solicit a portion of your orders.

RICHMOND COAL CO. JOHN M. KING, Manager.

Telephone No. 2938. Office, No. 1811 E. Cary St.

USE Richmond Cedar Works Steam Dried Kindling Wood

Kindling Wood, per half cord.,\$1,50 Pine Cord Wood, per half cord. .\$3.00 Maple Cord Wood, per half cord.\$3.00 Half kindling and half cord wood, per half cord .....\$2.25 'Phone 4537.